

REMARKS

This case has been carefully reviewed and analyzed in view of the outstanding Office Action dated April 7, 2006.

The Examiner has objected to the abstract of the disclosure because of informalities. The abstract of the disclosure has been amended to overcome the objection.

Further, the Examiner has rejected claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Fillmore et al (6,305,577 B1) in view of Graham et al (3,572,377). Nevertheless, it is respectfully requested that the rejection be withdrawn in light of the following reasons.

According to 35 U.S.C. 103(a), a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said applicant has reviewed the prior art as cited by the Examiner but not used in the rejection and believes that the new claims clearly and distinctly patentably define over such prior art subject matter pertains. To determine if a rejection under Section 103 of the Patent Statute is proper, it is necessary to determine the subject matter of the claimed invention "as a whole". There is no "essential part" of the claimed invention, or "gist" or "heart" or "core" of the invention that is evaluated in determining the invention's obviousness. In evaluating obviousness, it is necessary to consider all the subject matter defined in the claim under consideration, not part or most of it. Nevertheless, this prior art clearly does not fully disclose each and every feature of the claimed invention and so this application is not properly rejected. As a consequence, the invention sought to be patented is novel with respect to this prior

art. In conclusion, if the subject matter sought to be patented would have been obvious to one of ordinary skill in the art, then no patent will issue. Otherwise, if the subject matter would not have been obvious, then it is patentable.

Fillmore et al (6,305,577 B1), the first reference cited by the Examiner, discloses a squeeze pump package which comprises a plastic container having opposed compressible portions, a hanger and pouch assembly comprising a hanger and a pouch, said hanger being made of plastic material, means for suspending said hanger in said container, said hanger comprising a relatively rigid upper portion having an opening, said hanger having a lower portion comprising spaced flexible walls portions, said pouch comprising a plastic film pouch having an opening bonded adjacent the opening in the hanger and having portions thereof bonded of said flexible portions to said hanger, said film pouch comprising a sealed flexible lower portion extending beyond the lower portion of said hanger, means for providing a nozzle having an opening overlying the opening in the pouch, a check valve, means for mounting said check valve adjacent the opening in the hanger, and an atmospheric valve on said package for equalizing the pressure after the compressible portion of the container has been released and the hanger returns to its original position. However, this reference fails to disclose a double-layered fluid container which comprises: an enclosure made of soft material and having an inner-layered pocket and an outer-layered enclosure, said outer-layered enclosure having an end opening section which has an external edge provided with threads, said outer-layered enclosure being connected to an end opening section of said inner-layered pocket to form into a unit, said end opening section being formed with a first diaphragm slot, said outer-layered enclosure having a bottom provided with a second diaphragm slot; an upper diaphragm fitted in said first diaphragm slot at an end opening section of said outer-layered enclosure, said first diaphragm slot having a first upper layer

which is a netted-hole layer and a first lower layer which is an outlet layer with holes, said upper diaphragm being a rubber plate with a plurality of notches, said upper diaphragm being fitted between said first upper and lower layers; a lower diaphragm fitted in said second diaphragm slot, said second diaphragm slot having a second upper layer which is a netted hole layer and a second lower layer which is an outlet layer with holes, said lower diaphragm being a rubber plate with a plurality of notches, said lower diaphragm being fitted between said second upper and lower layers; and a cap engageable with said threads of said enclosure. Hence, this reference can be clearly distinguished from the present invention in structure.

Graham et al (3,572,377), the second reference cited by the Examiner, discloses a liquid dispensing device which comprises a discharge tube from the liquid which as a rule projects from the top or head of the container, the dispensing device being operated by angularly tilting the discharge head by finger pressure applied to the latter. Likewise, as the previous cited reference, the Graham et al reference still fails to disclose, teach or suggest a double-layered fluid container which comprises an enclosure made of soft material and having an inner-layered pocket and an outer-layered enclosure, said outer-layered enclosure having an end opening section which has an external edge provided with threads, said outer-layered enclosure being connected to an end opening section of said inner-layered pocket to form into a unit, said end opening section being formed with a first diaphragm slot, said outer-layered enclosure having a bottom provided with a second diaphragm slot; an upper diaphragm fitted in said first diaphragm slot at an end opening section of said outer-layered enclosure, said first diaphragm slot having a first upper layer which is a netted-hole layer and a first lower layer which is an outlet layer with holes, said upper diaphragm being a rubber plate with a plurality of notches, said upper diaphragm being fitted between said first upper and lower layers; a lower diaphragm

fitted in said second diaphragm slot, said second diaphragm slot having a second upper layer which is a netted hole layer and a second lower layer which is an outlet layer with holes, said lower diaphragm being a rubber plate with a plurality of notches, said lower diaphragm being fitted between said second upper and lower layers; and a cap engageable with said threads of said enclosure. Consequently, this reference can be clearly distinguished from the present invention.

Accordingly, even if the disclosures of the cited references are combined together, the combined disclosure still fails to teach a double-layered fluid container as claimed in new claim 3. It is undoubtedly that this characteristic of the present invention involves the inventive step required by the Patent Law. In other words, the disclosure of the cited references still fails to teach each and every element of the claimed invention and so the subject matter sought to be patented as a whole would not have been obvious to one of ordinary skill in the art.

The applicant has reviewed the prior art as cited by the Examiner but not used in the rejection and believes that the new claim clearly and distinctly patentably defines over such prior art.

It is now believed that the subject Patent Application has been placed in condition of allowance, and such action is respectfully requested.

Respectfully submitted,

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